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February 12, 2004

Via e-mail tcross@yorkcounty.gov

Mr. Timothy C. Cross, Principal Planner
York County
P.O. Box 532
Yorktown, VA 23690

RE: REZONING OF PROPERTY OF SEAFORD SCALLOP CO., INC. A VIRGINIA CORPORATION, TAX MAP PARCEL 25-27 B CONTAINING APPROXIMATELY 1.8 ACRES

Dear Mr. Cross:

This letter, accompanying a proffer statement, is to provide you with a formal request for rezoning of the above tract currently zoned RR, and the owner agrees to be bound by the proffers as presented. While the entire tract is 3.4 acres, approximately 1.8 acres of the property is currently zoned RR and it is our wish that this property be rezoned by the Board of Supervisors of York County to Water-oriented Commercial/Industrial (WCI).

In support of the request, the following information is provided;

COMPANY BACKGROUND – Opening for business in 1979 at the end of Shirley Road in Seaford, the company currently operates a fleet of 22 deep-sea fishing vessels and employs approximately 220 people, including crew personnel. The company vessels catch and land sea scallops from along the contiguous continental shelf in the Atlantic Ocean. Still based in Seaford, the approximate annual gross revenues of the company are \$10-12 million.

In 1987, a sister company, Wells Ice & Cold Storage (WICS), was formed across Shirley Road from the Seaford Scallop facility. WICS provides storage, packaging, and marketing services for the scallops caught by the Seaford vessels. The approximate annual gross revenues of WICS are \$10-12 million.

REGULATORY ENVIRONMENT - The North American scallop industry is regulated by the National Marine Fisheries Service (NMF) through the Mid-Atlantic Fisheries Management Council. This agency manages the fishery resource by promulgating regulations designed both to provide equal access for all licensed users and to maintain a sustainable scallop resource for future generations. In 1994, the NMF instituted regulations that restricted the number of calendar days a licensed scallop vessel could fish to 204. In 2003, a similar NMF regulation further reduced that number to 120 days. Now awaiting implementation, a new NMF regulation will allow only 90 days of fishing during a calendar year. The net effect of this restriction is more time at the pier for the Seaford vessels.

DEMONSTRATED NEED - Through a series of marine construction projects beginning in 1979, we have filled the riparian areas of both the Seaford Scallop and WICS properties with mooring facilities. Under the current 120-day NMF restriction, the Seaford vessels are sometimes rafted from the piers along the edge of the Back Creek navigation channel.

ALTERNATIVES ANALYSIS - In an effort to remedy the congestion and accommodate the need for additional mooring space, the adjoining 3.4-acre upstream property, formerly owned by David Greenwood, was purchased with the intent of extending the existing pier upstream from the WICS facility. In order to achieve this use, however, the Greenwood property will have to be re-zoned from residential to commercial, and thus the basis of this rezoning request for the 1.8 acres aforementioned, and other regulatory permits for dredging and pier construction need to be obtained. Dredging spoils will be stored in the center portion of the WCI parcel, and all erosion and sedimentation control measures shall be designed and constructed in accordance with the Virginia Erosion and Sedimentation Handbook, 1992 version, or latest revision.

Contemporaneously with this request, as you may know the applicant has requested, and has received an affirmative response to, it's request for the acquisition of Slaight's Wharf, currently owned by VDOT, and the associated right of way which will allow the company to moor several vessels at the existing pier facility thereby reducing the upstream length the pier needed in front of the Greenwood property. This plan is the preferred alternative for Seaford Scallop, and appears to be the least intrusive of the alternatives.

MITIGATION - Unavoidable impacts associated with the implementation of the above-described preferred plan and the proposed mitigation for these impacts include the following:

Impacts on adjoining residential neighbors derived from the change in zoning on the Greenwood property from residential to commercial.

As mitigation, we are proposing to leave a 150' lot, including the Greenwood house and accessory building, in residential use. In addition and in accordance with county zoning ordinance requirements, we will provide a 25' transitional buffer with privacy fence along the new lot line separating the residential and commercial uses. See the attached exhibit for the

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specifics of this proposal. And, by virtue of the additional mooring space(s) provided at Slight's Wharf, the new pier extending upstream from WICS will extend no further than the new lot line, thus leaving the riparian area in front of the Greenwood house open for residential use and access.

Thank you for the opportunity to provide this information, and hopefully it will facilitate the County rezoning the subject 1.8 acre portion of the property as requested.

Very truly yours,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.



Conway H. Sheild, III

CHS/dlf

Attachment

cc: William S. Wells, Jr. – via e-mail – wellsscals@aol.com

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Donald W. Davis – via e-mail – ddavis@davisandassoc.net